REMARKS

Claims 1-3, 9-11 and 17-19 stand rejected under 35 U.S.C 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 5,977,962) in view of Dobson et al. (U.S. Patent No. 6,256,628) . Claims 1-3, 9-11 and 17-19 are pending.

On the merits, applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

The present invention, as recited in amended independent claim 1, teaches a method for generating a recommendation of a program, said method comprising: receiving a first program record corresponding to a first program, wherein the first program record includes at least one key field; retrieving a plurality of program records from a database, wherein at least one of the program records includes at least one key field; converting each key field of the first program record into a feature value; determining a second program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, the key fields of the plurality of program records and a distance measurement method; and generating a recommendation of the first program based on the second program record. Independent claim 2-3, 9-11 and 17-19 recite similar limitations.

Chapman and Dobson fail to teach show or imply at least the limitations of...

converting each key field of the first program record into a feature value; and determining a second program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, the key fields of the plurality of program records and a distance measurement method, as recited in amended independent claim 1.

The Office Action points to col. 2, lines 30-48 to show the limitation of converting each key field of the first program record into a feature value. Applicants respectfully disagree and note that this section refers to searched for data with different keys and in particular using particular keys with particular blocks of data. Thus, the key field of a program record is not converted into a feature value as in the present invention.

The Office Action points to col. 4, lines 22-49, in Chapman, to show the limitation of determining a second program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, the key fields of the plurality of program records and a distance measurement method. Applicants respectfully disagree and note that this section refers to a manner of memory use. Applicants can find nothing in Chapman that even shows any recognition of the advantages or the desirability of the limitations recited in independent claim 1, as discussed above.

Further the Office Action indicates, with regard to col. 4, lines 22-49, that "database search results are based on nearest neighbor." Applicants respectfully

disagree with the Office Action's conclusory statement. In In re Lee, Slip Op. 00-1158 (Fed. Cir. Jan. 18, 2002) the court indicated that:

> In furtherance of the judgmental process, the patent examination procedure serves both to find, and to place on the official record, that which has been considered with respect to patentability. In finding the relevant facts, in assessing the significance of the prior art, and in making the ultimate determination of the issue of obviousness, the examiner and the Board are presumed to act from this viewpoint. Thus when they rely on what they assert to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. The failure to do so is not consistent with either effective administrative procedure or effective judicial review. The board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.

Accordingly, Applicant traverses these rejections, and respectfully requests that the Examiner's positions be supported by a reference, as per MPEP 2144.03.

For at least the above cited reasons, Applicant submits that independent claims 1-3, 9-11 and 17-19 are patentable over Chapman and Dobson.

The other claims in this application are dependent upon the independent claims discussed above and are therefore believed patentable once the independent claims are allowed.

The applicants have made a sincere attempt to advance the prosecution of this application by reducing the issues for consideration and specifically delineating the zone

of patentablity. The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 103. In view of the foregoing amendments and remarks, entry of this amendment, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

Mail all correspondence to:
US PHILIPS CORPORATION
345 Scarborough Road
Briarcliff Manor, NY 10510-8001

Daniel Piotrowski, Reg. 42,079
Attorney for Applicants
Phone (914) 333-9624
Fax: (914) 332-0615

By:
Rick de Pinho
Reg. 41,703

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By

Rick de Pinho, Reg. 41,703